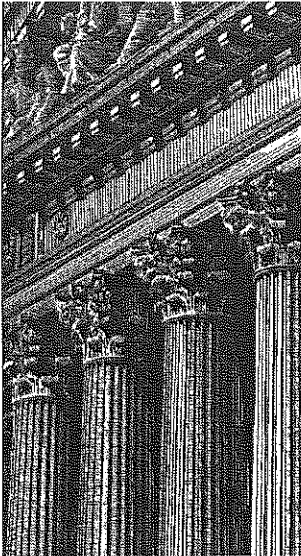


# the arrogance of power

by tom regnier



**Commissioners considering changes to the state constitution are reminded that men form governments to guard their rights, not to control the people.**

*The following speech was delivered to the Florida Constitution Revision Commission in Orlando on September 4, 1997.*

**M**y name is Tom Regnier, and I spoke to the Constitution Revision Commission once before in Fort Lauderdale. After I heard some of the views expressed to the Commission, I felt the need to come back and speak again.

I was concerned by the sentiment, expressed by one of the speakers in Fort Lauderdale, that, while the people have certain rights, it is the government that has the power. This is a misleading statement. In this country, the people are sovereign; the government has only those powers delegated to it by the people. This was a new concept about government when it was expressed in the Declaration of Independence. Before that, kings ruled their subjects. The king was the master and the people had to do what he said. The Declaration made it clear that men form governments for the sole purpose of protecting their rights to life, liberty, and the pursuit of happiness. Governments are there to protect these rights—not to control the people, not to rule the people, not to direct their lives for them, but to guard their liberties. I hope you will keep this in mind when considering changes to the state constitution.

Another sentiment I heard expressed at the Fort Lauderdale hearing was one with which I strongly

agree, and that is Lord Acton's famous saying, "Power corrupts." I know that many of you, outside of your roles as commissioners, are used to wielding power. When you're in that position, it becomes very easy to believe that one has a special knowledge or wisdom that others don't have, and the exercise of power can be seductive and addictive. It can lead even the best-intentioned persons into a state of arrogant disregard for the wisdom and good sense of those in less powerful positions.

I am here to warn you against the arrogance of power.

When I hear rumblings that the citizens' initiative process is too easy and needs to be made more burdensome so that the voters have an even harder time changing the law, I am concerned about the arrogance of power.

When I hear suggestions that the Florida tax system is outdated and that updating it may require a state income tax, I fear the arrogance of power. Remember that Thomas Jefferson said, "A wise and frugal government . . . shall not take from the mouth of labor the bread it has earned."

When Florida passes asset forfeiture laws that allow a person's property to be seized on the mere suspicion of a crime, in complete disregard of the due process of law


guaranteed in the Fifth and 14th Amendments to the U.S. Constitution; when these laws compel these suspects—80 percent of whom are never even charged with a crime, let

alone convicted—to prove their innocence in order to retrieve their property, then I am concerned about the arrogance of power. Has no one in state government spoken up to condemn these outrageous, unconstitutional laws? Have you forgotten why


you are there?

When the two parties in power create discriminatory laws to keep other parties off the ballot and justify them by saying the voters would be confused by too many choices, I am concerned about the arrogance of power. Stop treating the voters like children who can't make decisions. And stop pretending that laws that are passed to protect someone's political turf and to stifle competition are somehow a service to the voters.

When the will of the people strongly favors an amendment to limit the taxing power of the state, and yet the Florida Supreme Court strikes it down on the basis that the voters didn't know what they were voting for, this is the arrogance of power. In a land where the people are supposed to rule, who can argue with allowing the voters to approve any new taxes? What makes the



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Jefferson's words—  
'That government  
is best that governs  
least.'**



Supreme Court think it knows better than the people?

When the legislature passes a law that major parties will get a 50 percent rebate on candidate filing fees, while minor parties get none, and the state Supreme Court upholds this law on the basis that “the state has an interest in protecting major parties,” I see the arrogance of power. Yes, the state has an interest in protecting major parties, just as kings have an interest in protecting monarchies. What happened to a government for the people—a government that was supposed to be there to protect the little guy? Since when is it supposed to protect the people in power?

And when this Commission makes a decision, for reasons unknown, that people who arrive earliest at these hearings will have to speak last, then I smell the arrogance of power.

I hope that when you consider changes to the constitution, you will remember George Washington’s words that “Government is not reason, it is not eloquence, it is force,” and realize that every time you pass a law, it must be backed up by the force of government guns. I hope you will remember Thomas Jefferson’s words that “that govern-

ment is best that governs least.” And any time you think of using government to bestow blessings on any of your constituencies, I hope you will remember that government cannot give material things to anyone without first taking them away from someone else.

I hope state government will not make the mistake that the federal government has made of trying to solve every problem and to poke its nose into every aspect of life. Since government relies on coercion to achieve its aims, it is too blunt an instrument for solving most social problems. Adam Smith, the economist, said that it is impossible for planners to manipulate members of society the way they would arrange pieces on a chessboard because human beings, unlike chess pieces, have a will of their own. Members of the Commission, it is the arrogance of power that treats people as pawns on a chessboard, and not as intelligent, self-determined beings. ∞

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